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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No.CR 09-00958-SBA (LB)
)	
12 Plaintiff,)	STIPULATION; PROPOSED ORDER
)	MODIFYING RELEASE CONDITIONS
13 vs.)	
)	
14 ISAIAH MCGARY,)	
)	
15 Defendant.)	
_____)	
16		

17 Whereas, Mr. McGary has resided in the Cornell Corrections Center since March 31,
18 2010, and Whereas, the child of Mr. McGary and Rebekkah McDaniels is due to be born at Alta
19 Bates Hospital on or about June 24, 2010,

20 IT IS HEREBY STIPULATED, by and between the parties to this action, that the release
21 conditions in this case be modified to permit Mr. McGary to be released from the Community
22 Corrections Center and reside with his mother Monique Smith at 2121 Sandcreek Road, Apt. #8,
23 Brentwood, CA 94513 for a period of 45 days whereupon the parties and the court will address
24 the question whether Mr. McGary should return to the Community Corrections Center. It is
25 further STIPULATED that Mr. McGary shall remain on electronic monitoring while he resides
26 at this address. It is further STIPULATED that Mr. McGary shall remain at this address, except

1 that he may leave for: legal and court appointments; work or education activities approved by the
 2 Pretrial Services Agency; medical appointments for him or Rebecca McDaniels; full time
 3 attendance at the labor and delivery of, and any continuous stay in the hospital by, Rebecca
 4 McDaniels; and visits to the home of Rebecca McDaniels, on a schedule approved by the
 5 Pretrial Services Agency, before and after the birth of her child. It is further STIPULATED that
 6 Mr. McGary may leave the Cornell Corrections Center or his mother's residence immediately
 7 and travel directly to the hospital or to the home of Rebecca McDaniels, as soon as he is
 8 informed that Rebecca McDaniels has gone into labor, provided that he inform the Pretrial
 9 Services Agency of his location as soon as he is able. It is further STIPULATED that Mr.
 10 McGary provide the current address of Rebecca McDaniels to the Pretrial Services Agency and
 11 notify them in advance of any change in her address. It is further STIPULATED that Monique
 12 Smith shall serve as custodian for Mr. McGary and file an acknowledgment with the Court that
 13 she agrees to and understands the responsibilities and risks of that position.

14 Victoria Gibson, Pretrial Services Officer, has reviewed this stipulation and discussed the
 15 terms with the parties and does not object to its terms.

16
 17 Date 6/15/10

 /s/
 John Paul Reichmuth
 Assistant Federal Public Defender
 Counsel for defendant MCGARY

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 23 Date 6/15/10

 /s/
 John Cooke
 Assistant United States Attorney

24
 25 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within
 26 this e-filed document.

 /S/ JOHN PAUL REICHMUTH

ORDER

IT IS HEREBY ORDERED, by and between the parties to this action, that the release conditions in this case be modified to permit Mr. McGary to be released from the Community Corrections Center and reside with his mother Monique Smith at 2121 Sandcreek Road, Apt. #8, Brentwood, CA 94513 for a period of 45 days whereupon the parties and the court will address the question whether Mr. McGary should return to the Community Corrections Center. It is further ORDERED that Mr. McGary shall remain on electronic monitoring while he resides at this address. It is further ORDERED that Mr. McGary shall remain at this address, except that he may leave for: legal and court appointments; work or education activities approved by the Pretrial Services Agency; medical appointments for him or Rebekkah McDaniels; full time attendance at the labor and delivery of, and any continuous stay in the hospital by, Rebekkah McDaniels; and visits to the home of Rebekkah McDaniels, on a schedule approved by the Pretrial Services Agency, before and after the birth of her child. It is further ORDERED that Mr. McGary may leave the Cornell Corrections Center or his mother's residence immediately and travel directly to the hospital or to the home of Rebekkah McDaniels, as soon as he is informed that Rebekkah McDaniels has gone into labor, provided that he inform the Pretrial Services Agency of his location as soon as he is able. It is further ORDERED that Mr. McGary provide the current address of Rebekkah McDaniels to the Pretrial Services Agency and notify them in advance of any change in her address. It is further ORDERED that Monique Smith shall serve as custodian for Mr. McGary and file an acknowledgment with the Court that she agrees to and understands the responsibilities and risks of that position.

IT IS SO ORDERED.

June 18, 2010
Date



LAUREL BEELER
UNITED STATES MAGISTRATE JUDGE